

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2010-115-T**

IN RE: Petition of the Office of Regulatory Staff to )	
Rescind the Order of the Public Service )	MOTION TO RESCIND
Commission Granting a Class C Charter )	COMMISSION ORDERS
Certificate of Public Convenience And )	NO. 2010-300
Necessity to Willie Benton DBA Milligan's )	
Funeral Home For Failure to Comply with )	
Commission Order No. 2010-300 )	

The Office of Regulatory Staff ("ORS") hereby moves and requests that the Public Service Commission of South Carolina ("Commission") Rescind its Order Number 2010-300 issued in the above Docketed matter on May 4, 2010.

As stated in that Order, the Commission ruled that the Applicant Willie Benton DBA Milligan's Funeral Home ("BENTON" or "Applicant") was to file or cause to have filed with the Office of Regulatory Staff ("ORS") within sixty (60) days of the Order "the proper license fees, proof of liability insurance (i.e. "Form E"), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2009) of the Commission's Rules and Regulations for Motor Carriers....",

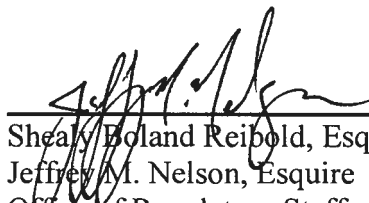
In support of this Motion, ORS would respectfully show:

1. That as of November 8 2010, the ORS has not yet received from the Applicant BENTON the proof of insurance as required by 26 S.C. Code Regs.103-171, the records inspection as required by 26 S.C. Code Regs. 103-133 (7) and the vehicle(s) inspection as required by 26 S.C. Code Regs 103-150. See, Affidavit of Carole Chauvin attached hereto as Attachment A.

2. That as a result of the Applicants failure to provide the ORS with the Form E, the records inspection, and the vehicle(s) inspection, the Applicant BENTON has not been issued a Certificate of Public Convenience and Necessity and has failed to comply with the terms of Commission Orders No. 2010-300.

WHEREFORE, the ORS moves and requests that the Commission grant this Motion to Rescind Orders No. 2010-300 based on the Applicant Benton's failure to comply with the terms and conditions of that Order. Further, the ORS requests that subsequent to the issuance of the Commission Order in this matter that this Docket be closed.

OFFICE OF REGULATORY STAFF



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November 9, 2010  
Columbia, South Carolina

# ATTACHMENT A

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2010-115-T

ORDER NO. 2010-300

November 8, 2010

IN RE:	Application of Willie Benton DBA Milligan's Funeral Home for a Class C Charter Certificate of Public Convenience and Necessity of Certain Motor Carriers	} Affidavit of Carole Chauvin
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The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On November 8, 2010, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 and the records inspection as required by 26 S.C. Code Regs 103-133 (7) and the vehicle(s) inspection as required by 26 S.C. Code Regs 103-150 has not been filed with ORS by the following company as of November 8, 2010:

<b>Willie Benton DBA Milligan's Funeral Home P.O. Box 1995 Moncks Corner, S.C. 29461</b>
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AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin  
Program Specialist, Transportation Department  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201

Sworn and subscribed before me  
this 8<sup>th</sup> day of November, 20 10

[Signature]  
Notary Public for South Carolina

My Commission Expires: 2/10/20

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2010-115-T**

Application Willie Benton DBA Milligan's Funeral )	
Home for a Class C Charter Certificate of )	CERTIFICATE OF SERVICE
Public Convenience and Necessity for Operation )	
of Motor Vehicle Carrier )	

This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the **MOTION TO RESCIND COMMISSION ORDER NO. 2010-300** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Willie Benton DBA  
Milligan's Funeral Home  
P.O. Box 1995  
Moncks Corner, SC 29461

  
\_\_\_\_\_  
Chrystal L. Morgan

November 9, 2010  
Columbia, South Carolina